

report it back to the Senate with the recommendation that it do pass, and be printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, Sept. 23, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 20, A bill to be entitled "An Act making certain appropriations for the hospitalization of indigent tuberculosis patients in private sanatoria within this State; authorizing the Board of Control and the Superintendent of the State Tuberculosis Sanatorium to enter into contracts with private sanatoria for the hospitalization of such tuberculars under the rules and regulations as at present established by law for admission to the State Tuberculosis Sanatorium, and removing the restrictions as to color in the hospitalization of tuberculosis patients in private sanatoria; limiting the amount to be paid per patient per day to the sum of \$2.50; increasing the salary of the Superintendent of the State Tuberculosis Sanatorium as compensation for such additional service; providing that if any portion of this Act be held invalid, the remaining portions shall be unaffected thereby; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, Sept. 23, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 18, A bill to be entitled "An Act authorizing commissioners' courts in counties having a population of not less than 125,000 inhabitants and not more than 250,000 inhabitants, and containing a city of not less than 90,000 inhabitants, according to the last preceding Federal census, to levy a direct tax of not more than five cents on the one hundred dollars assessed valuation, for the purpose of advertising and promoting the growth and development

of such counties and their county seats, and providing for an election authorizing such tax; and creating and providing for the appointment of a board of county development devoted to the growth, advertisement and development of such counties and their county seats; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

### NINTH DAY.

Senate Chamber,  
Austin, Texas,  
September 26, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Fellbaum. Moore.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Blackert.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Minutes of Committee Meetings.

(See Appendix.)

**Bills and Resolutions.****Senate Bill No. 26.**

By Senators Burns, Hopkins, Hill, Small, Shivers, Cotten, Davis, Martin, Van Zandt, Neal, Beck, Woodruff, Stone, Holbrook, Hornsby and Reagan:

S. B. No. 26, A bill to be entitled "An Act fixing the compensation of district attorneys in judicial districts composed of two or more counties; providing that this Act shall not deprive such district attorneys of their expense allowance; providing for the disposition of fees, commissions and prerequisites earned and collected by such district attorneys; providing that nothing in this Act shall affect the laws now in existence with reference to assistant district attorneys, investigators and stenographers; and declaring an emergency."

Read and referred to the Committee on State Affairs.

**Message from the House.**

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,  
Austin, Texas, Sept. 26, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 36. A bill to be entitled "An Act to permit the Bradfish Grain Company and the member or members composing the same to sue the State of Texas and the State Highway Department of Texas for damages alleged to have been done and to have accrued to the property of said company, which is used for conducting a grain business in the city of Weatherford, said property being used in conducting a feed and grain business and located on the north side and adjoining Fort Worth Street and State Highway No. One (1); etc., and declaring an emergency."

S. B. No. 13, A bill to be entitled "An Act making an appropriation out of the General Revenue Fund in the sum of two hundred thousand dollars (\$200,000.00), to be used in the building of a Texas Supreme Court Memorial Building at Austin, Texas, on the tract of land heretofore ap-

propriated by the Legislature for such purpose, said tract being located on the corner of Congress Avenue and Eleventh Street, in the city of Austin, Texas; said sum to be added to whatever money is allocated, apportioned, or designated by any Federal governmental agency, but to be void unless such money is allocated, apportioned, or designated by any Federal governmental agency, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

**Senate Bill No. 27.**

By Senator Neal:

S. B. No. 27, A bill to be entitled "An Act making certain emergency appropriations out of the General Revenue of the State of Texas for the Livestock Sanitary Commission for additional support and maintenance of the Livestock Sanitary Commission for the balance of the two-year period beginning September 1, 1935, and ending August 31, 1937, to cover the office expenses, traveling expenses, the purchase of dip material, and marking paint, laboratory equipment and supplies, printing, indemnity tubercular cattle owners, of law enforcement, predatory animal extermination, investigation of contagious diseases, salaries of inspectors, and declaring emergency."

Read and referred to Committee on Finance.

**Senate Bill No. 16.**

Senator Hopkins moved that S. B. No. 16 be referred to the Committee on State Affairs for further consideration.

Motion pending.

The Chair informed Senator Small that the ten-minute time for discussion of the motion had expired.

Senator Rawlings requested unanimous consent that Senator Small's time be extended.

Unanimous consent was granted.

**Points of Order.**

Senator Woodruff raised the points of order that the 30-minute time limit for discussion of the motion had expired, and that Senator Holbrook's time had expired.

The Chair sustained the points of order.

(Lieutenant Governor Walter F. Woodruff presiding.)

Senator Woodruff raised the further point of order that the discussion had drifted away from the motion to rerefer to a discussion of the pending legislation.

The Chair overruled the point of order.

#### Motion to Suspend Rules.

Senator DeBerry moved that the rule limiting time for discussion of motions to 30 minutes be suspended as to S. B. No. 16.

The motion prevailed by the following vote:

Yeas—23.

Beck.	Poage.
Blackert.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Shivers.
DeBerry.	Small.
Hill.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Neal.	Westerfeld.
Oneal.	Woodruff.
Pace.	

Nays—4.

Burns.	Martin.
Hopkins.	Sanderford.

Present—Not Voting.  
Holbrook.

Absent—Excused.

Fellbaum. Moore.

#### Motion to Recess.

Senator Hornsby, at 11:49 o'clock a. m., moved that the Senate recess until 2:00 o'clock p. m.

#### Point of Order.

Senator Van Zandt raised the point of order that Senator Rawlings could not yield to Senator Hornsby without the unanimous consent of the Senate.

The Chair, Senator Blackert presiding, sustained the point of order.

#### Motion to Order the Previous Question.

Senators Pace moved that the previous question be ordered on the motion to rerefer.

The motion was seconded by the required number.

The motion prevailed by the following vote:

Yeas—15.

Beck.	Redditt.
Burns.	Regan.
Cotten.	Sanderford.
DeBerry.	Shivers.
Holbrook.	Sulak.
Hopkins.	Van Zandt.
Pace.	Woodruff.
Rawlings.	

Nays—12.

Blackert.	Neal.
Collie.	Oneal.
Davis.	Poage.
Hornsby.	Small.
Isbell.	Stone.
Martin.	Westerfeld.

Present—Not Voting.

Hill.

Absent—Excused.

Fellbaum. Moore.

Senator Hopkins asked recognition to close on the motion.

#### Points of Order.

Senator Van Zandt raised the point of order that the Senator did not have the floor when the previous question was ordered, therefore he was precluded from speaking at this time.

The Chair, Senator Blackert, presiding, sustained the point of order.

The question recurred on the pending motion to rerefer S. B. No. 16.

The motion lost by the following vote:

Yeas—9.

Blackert.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Stone.
Rawlings.	Sulak.
Regan.	

Nays—17.

Beck.	Hornsby.
Burns.	Isbell.
Collie.	Martin.
Cotten.	Neal.
DeBerry.	Oneal.
Hill.	Pace.

Poage. Westerfeld.  
Redditt. Woodruff.  
Small.

(Pairs Recorded.)

Senator Davis (present) who would vote nay, with Senator Moore (absent) who would vote yea.

Senator Van Zandt (present) who would vote nay, with Senator Fellbaum (absent) who would vote yea.

#### Senate Bill No. 28.

By Senator Redditt:

S. B. No. 28, A bill to be entitled "An Act making an appropriation for the purpose of reroofing and repairing the Governor's Mansion, and repairing, improving and refurnishing the Executive Reception Room in the State Capitol Building, and declaring an emergency."

Read and referred to the Committee on Finance.

#### Senate Bill No. 29.

By Senator Poage:

S. B. No. 29, A bill to be entitled "An Act making an appropriation to adjust, correct, and supplement the salaries of certain positions in the State Department of Education, which salaries were not adjusted in the Regular Session of the Forty-fourth Legislature, and declaring an emergency."

Read and referred to the Committee on Finance.

#### Senate Bill No. 30.

By Senator Woodruff:

S. B. No. 30, A bill to be entitled "An Act to appropriate money to pay all rentals due and unpaid by the State of Texas under contracts made by the Adjutant General with the owners of buildings, for the purpose of housing various kinds of military and army property belonging to the State and used by the National Guard, and to validate said accounts and the contracts under which the same accrued, and declaring an emergency."

Read and referred to the Committee on Finance.

#### Senate Bill No. 31.

By Senator Westerfeld:

S. B. No. 31, A bill to be entitled "An Act providing that all warrants

lawfully drawn against the State Treasury or the Treasury of any county or subdivision or common or independent school districts for the payment of monies which are lawfully due and are presented for payment, and not paid, shall be registered by the Treasurer and shall thereafter bear interest at the rate of four per cent (4%) per annum, payable semi-annually until paid; and declaring an emergency."

Read and referred to the Committee on Finance.

#### Bill Signed.

The Chair, Lieutenant Governor Walter F. Woodruff, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 13.

#### Motions to Recess.

Senator DeBerry, at 12:15 o'clock p. m., moved that the Senate recess until 2:00 o'clock p. m.

Senator Redditt moved that the Senate recess until 10:00 o'clock a. m. Friday.

The motion to recess until 10:00 o'clock a. m. Friday lost by the following vote:

Yeas—14.

Blackert.	Rawlings.
Collie.	Redditt.
Davis.	Regan.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Isbell.	Stone.
Martin.	Sulak.

Nays—14.

Beck.	Oneal.
Burns.	Pace.
Cotten.	Poage.
DeBerry.	Small.
Hill.	Van Zandt.
Hornsby.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Fellbaum. Moore.

#### Recess.

Senator Hopkins moved that the Senate recess until 9:30 o'clock a. m. Friday.

The motion prevailed by the following vote:

## Yeas—16.

Blackert.	Rawlings.
Collie.	Redditt.
Davis.	Regan.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Isbell.	Stone.
Martin.	Sulak.
Neal.	Westerfeld.

## Nays—12.

Beck.	Oneal.
Burns.	Pace.
Cotten.	Poage.
DeBerry.	Small.
Hill.	Van Zandt.
Hornsby.	Woodruff.

## Absent—Excused.

Fellbaum.	Moore.
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## APPENDIX.

## Petitions and Memorials.

To the Senate of Texas:

The family of Senator Arthur Pope Duggan wish to express their deep appreciation of your kindness and sympathy in their recent sorrow.

## Committee on Engrossed Bills.

Committee Room,  
Austin, Texas, Sept. 25, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 18 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

## Committee on Enrolled Bills.

Committee Room,  
Austin, Texas, Sept. 26, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 13 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

## Committee Reports.

Committee Room,  
Austin, Texas, Sept. 25, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 24, A bill to be entitled "An Act making appropriations to State eleemosynary institutions for the fiscal years ending August 31, 1936, and August 31, 1937, for the purpose of supplementing salaries of certain officers and employees; providing for the manner of supplementing said salaries; providing that if any section, clause, or part of the Act be held invalid, other sections and parts of the Act shall not be affected, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, Sept. 25, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 25, A bill to be entitled "An Act making an appropriation of money for the Sam Houston State Teachers College at Huntsville, Texas, providing for the purpose thereof and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

REDDITT, Chairman.

## Minutes of Committee Meetings.

Minutes of Committee on State Affairs—Held September 17, 1935.

## Regular Meeting.

Present: Pace, Blackert, Collie, DeBerry, Holbrook, Hopkins, Hornsby, Isbell, Oneal, Rawlings, Regan, Redditt, Small, Stone, Sulak.

Absent—excused: Cotten, Fellbaum, Moore, Martin, Shivers.

S. B. No. 1 was discussed, but no action taken on it.

ELIZABETH SUITER, Secretary.

Minutes of Committee on State Affairs—Held September 18, 1935.

## Recessed Meeting.

Present: Pace, Blackert, Collie, DeBerry, Holbrook, Hopkins, Hornsby, Isbell, Oneal, Rawlings, Regan, Redditt, Small, Stone, Sulak,

Absent—excused: Cotten, Fellbaum, Moore, Martin, Shivers.

S. B. No. 1 was discussed, but no action was taken.

ELIZABETH SUITER, Secretary.

Minutes of Committee on State Affairs—Held September 19, 1935.

#### Recessed Meeting.

Present: Pace, Blackert, Collie, DeBerry, Holbrook, Hopkins, Hornsby, Isbell, Oneal, Rawlings, Regan, Redditt, Small, Stone, Sulak.

Absent—excused: Cotten, Fellbaum, Moore, Martin, Shivers.

S. B. No. 1 was referred to a subcommittee.

ELIZABETH SUITER, Secretary.

Minutes of Committee on State Affairs—Held September 19, 1935.

#### Called Meeting.

Present: Pace, Blackert, Collie, Cotten, Holbrook, Hopkins, Hornsby, Isbell, Martin, Oneal, Rawlings, Redditt, Shivers, Stone, Sulak.

Absent—excused: DeBerry, Fellbaum, Moore, Regan.

S. B. No. 15 was reported favorably with the recommendation that it pass and be not printed by a viva voce vote.

S. B. No. 5 was reported favorably with the recommendation that it pass and be not printed by a viva voce vote.

S. B. No. 6 was reported favorably with the recommendation that it pass and be not printed by a viva voce vote.

S. B. No. 7 was reported favorably with the recommendation that it pass and be not printed by a viva voce vote.

S. B. No. 8 was reported favorably with the recommendation that it pass and be not printed by a viva voce vote.

S. B. No. 9 was reported favorably with the recommendation that it pass and be not printed by a viva voce vote.

S. B. No. 10 was reported favorably with the recommendation that it pass and be not printed by a viva voce vote.

S. B. No. 11 was reported favorably with the recommendation that it pass and be not printed by a viva voce vote.

S. B. No. 12 was reported favorably with the recommendation that it pass and be not printed by a viva voce vote.

ELIZABETH SUITER, Secretary.

Minutes of Committee on State Affairs—Held September 23, 1935.

#### Called Meeting.

Present: Pace, Blackert, Collie, Cotten, DeBerry, Holbrook, Hopkins, Hornsby, Isbell, Martin, Oneal, Rawlings, Regan, Redditt, Shivers, Small, Sulak.

Absent—excused: Fellbaum, Moore, Stone.

S. B. No. 17 was reported favorably with the recommendation that it pass and be printed by a viva voce vote.

S. B. No. 16 was reported favorably with the recommendation that it pass and be printed by the following vote:

Yeas: Collie, Cotten, DeBerry, Isbell, Martin, Oneal, Redditt, Small, Pace.

Nays: Blackert, Holbrook, Hopkins, Hornsby, Rawlings, Regan, Shivers, Sulak.

ELIZABETH SUITER, Secretary.

Minutes of Committee on State Affairs—Held September 24, 1935.

#### Regular Meeting.

Present: Pace, Blackert, Collie, Cotten, DeBerry, Holbrook, Hopkins, Hornsby, Isbell, Martin, Oneal, Rawlings, Regan, Redditt, Shivers, Small, Sulak.

Absent—excused: Fellbaum, Moore, Stone.

S. B. No. 18 was reported favorably with the recommendation that it pass and be not printed by a viva voce vote.

ELIZABETH SUITER, Secretary.

Minutes of Committee on State Affairs—Held September 25, 1935.

#### Called Meeting.

Present: Pace, Blackert, Collie, Cotten, DeBerry, Holbrook, Hopkins, Hornsby, Isbell, Martin, Oneal, Rawlings, Regan, Redditt, Shivers, Small, Sulak.

Absent—excused: Fellbaum, Moore, Stone.

S. B. No. 14 was referred to a subcommittee.

ELIZABETH SUITER, Secretary.

Minutes of Committee on Finance—  
Held September 25, 1935.

Regular Meeting.

Present: Beck, Burns, Hill, Holbrook, Hopkins, Isbell, Martin, Neal, Oneal, Poage, Rawlings, Sanderford, Small, Stone, Sulak, Van Zandt, Woodruff.

Absent—excused: Redditt, Hornsby, Regan.

S. B. No. 25 reported favorably.

S. B. No. 24 reported favorably and ordered printed.

BECK, Vice-Chairman.

NINTH DAY—Continued.

Senate Chamber,  
Austin, Texas,  
September 27, 1935.

The Senate met at 9:30 o'clock a. m. pursuant to recess, and was called to order by Lieutenant Governor Walter Woodul.

Motion to Stand at Ease.

Senator Poage moved that the Senate stand at ease until ten o'clock a. m. Senator Poage withdrew the motion.

Point of Order.

Senator DeBerry raised the point of no quorum.

The roll call disclosed a quorum present.

Senate Bill No. 16.

The Chair laid before the Senate S. B. No. 16 which had been made special order on the calendar.

By Small, Burns, Redditt, Martin, Woodruff, Pace, Hill, Sanderford, Isbell, Oneal.

S. B. No. 16, A bill to be entitled "An Act defining and prohibiting the open saloon and providing penalties for the violation thereof and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

Senator Small sent up the following amendments:

Amend S. B. No. 16, by striking out all above the enacting clause and substitute in lieu thereof, the following:

"A BILL  
To Be Entitled

An Act defining and prohibiting the open saloon, defining intoxicating liquor and providing penalties for the violation thereof and declaring an emergency."

Amend S. B. No. 16, by striking out all below the enacting clause and substitute in lieu thereof, the following:

"Section 1. The term "open saloon" as used in this Act means any place where spiritous liquors or medicated compounds capable of producing intoxication or any intoxicant whatever manufactured in whole or in part by means of the process of distillation or any liquor compounded of or composed in part of distilled spirits is sold, bartered or exchanged, or is offered for sale, barter or exchange in broken or unsealed containers or where such sale, barter or exchange or offer of sale, barter or exchange is made for human consumption on the premises where sold, bartered or exchanged or offered for sale, barter or exchange.

Sec. 2. Any person whether as principal or agent or employee who shall operate or assist in operating, or who shall be directly or indirectly interested in operating any open saloon in the State shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine in any sum of not more than One Hundred (\$100.00) Dollars or by confinement in the county jail for any period of time not more than Ninety (90) days or by both such fine and imprisonment.

Sec. 3. Any person, after having been once convicted under the provisions of this Act, who shall operate or assist in operating, or who shall be directly or indirectly interested in operating any saloon in this State, shall be deemed guilty of a misdemeanor and upon conviction therefor shall be punished by confinement in the county jail for any period of time not more than one year.

Sec. 4. Any person after having been twice convicted under the provisions of this Article, who shall thereafter operate or assist in operating, or who shall be directly or indirectly interested in operating any saloon in this State shall be deemed